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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,281	10/03/2001	Leslie Graf	027566-028	4259

27045 7590 08/19/2005

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR C11
PLANO, TX 75024

EXAMINER

JOO, JOSHUA

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/831,281

Applicant(s)

GRAF ET AL.

Examiner

Joshua Joo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Office Action filed on 6/14/2005

1. Claims 1, 3-9 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-6, and 9 are rejected under 35 U.S.C. 102(b) as being unpatentable by Szviatovski, International Publication #WO 96/38018.

4. As per claims 1 and 9, Szviatovski teaches the invention as claimed including a method and a system for establishing a connection between two different networks, an ISDN network and a data network. Szviatovski's teachings comprise of:

maintaining a record at the signaling gateway of the circuit switched communication channels associated with said exchange and allocated to said ISP (Pg. 7, lines 26-31; Pg. 9, lines 19-21. Gateway routes call from the intelligent network to the data network, and data network to the intelligent network.);

routing said signaling messages via a signaling gateway which provides for conversion of messages between a first transmission protocol used in the telecommunications network and a second transmission protocol used in the network which connects the signaling gateway to the ISP (Pg. 8, lines 15-19. The gateway receives the information set sent by the workstation, where it encodes the IP-protocol address to the decimal form used in the ISDN-world.); and

for each message received at the signaling gateway from the ISP, confirming the right of that ISP to control a circuit switched communication channel identified in the message by reviewing said record (Pg. 7, lines 26-31; Pg. 9, lines 19-21. Gateway routes call from the data network to the intelligent network. Pg. 8, lines 15-29; Pg. 9, lines 2-8. When the gateway receives the information set, the gateway transmits the information to the ISDN-network exchange. When the exchange receives the message, the network service switching point identifies the intelligent network service number and starts the service.).

5. As per claim 3, Szviatovski teaches the method according to claim 1, wherein the telecommunication network comprises a Signaling System No. 7 (SS7) based signaling network which is interfaced to the ISP via the signaling gateway (Pg. 5, lines 20-25. Network comprises of a Service Switching Point (SSP) and a Service Control Point (SCP).).

6. As per claim 4, Szviatovski teaches the method according to claim 3, wherein the network coupling the signaling gateway to the ISP is an IP based network (Pg. 5, lines 14-18. Gateway is connected to the data network, where the Internet is used as an example of the data network.).

7. As per claim 5, Szviatovski teaches the method according to claim 4, wherein the signaling gateway provides a conversion between at least the Message Transfer Part protocols of the SS7 network and the IP based protocols enabling ISUP messages to be transferred, transparently, between the exchange and the ISP (Pg. 8, lines 15-19; Pg. 8, line 24 – Pg. 9, line 5. The gateway receives the information set sent by the workstation, where it encodes the IP-protocol address to the decimal form used in the ISDN-world. The decimal encoded IP-address

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is sent to the ISDN-network exchange, in which the gateway can use for the transmission according to the ISUP-protocol. Once the SSP of the network receives the information, it can start the network service.).

8. As per claim 6, Szviatovski teaches the method according to claim 4, wherein the ISP from which a signaling message originates is identified at the signaling gateway by virtue of the source IP address associated with the IP datagram in which message is delivered to the gateway. (Pg. 5, lines 10-19; Pg. 8, lines 15-18. Information is sent from the data network to the gateway, where the information contains the source IP address.).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szviatovski in view of Brockman et al, US Patent #6,529,594 (Brockman hereinafter).

11. As per claim 7, Szviatovski teaches the use of Service Switching Point and Service Control Point for call management with an IP based data network (Pg. 5, lines 10-24).

However, Szviatovski does not specifically teach a method wherein each of the ISPs connected to a given a signaling gateway is allocated a unique Point Code in the signaling network of the telecommunications network, Point Codes being included in the header of a signaling message to indicate the destination and source of the message, and the signaling gateway screens

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messages received from an ISP to confirm that source Point Codes contained therein correspond to the actual ISPs from which they originated.

12. Brockman teaches of capturing signaling units at gateways in a communication network, where the signals passing through the gateway contain an originating point code and a destination point code. The source of the message is identified from the originating point code (Col 5, lines 42-53).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Szviatovski and Brockman because the teachings of Brockman for each data network connected to a signaling gateway to be allocated a unique Point Code, for the Point Codes to be included in the signaling message indicating the destination and source of the message, and for the gateway to identify that source Point Codes contained therein correspond to the data network from which they originated would improve the quality of service of Szviatovski's system by ensuring the proper setup of connections so that that the messages are correctly routed and reach the appropriate destinations.

14. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szviatovski in view of Inoue et al, US Patent #6,552,997 (Inoue hereinafter).

15. As per claim 8, Szviatovski does not teach a method according to claim 4, wherein the ISP from which a signaling message originates is identified by virtue of the input port/device of the signaling gateway at which the message arrives.

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16. Inoue teaches of ensuring communications within a network, where the transmission source is determined in accordance with the port at which the message is inputted (Col 27, lines 20-23).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Szviatovski and Inoue because the teachings of Inoue to identify the source of the message by the port at which the message is inputted would improve the reliability of Szviatovski's system by ensuring the proper routing of messages and ensuring that communication will be maintained even during problems in the network.

Response to Arguments

18. Applicant argued that (1) Nothing in Szviatovski discloses or teaches the step of "maintaining a record at a signaling gateway identifying circuit switched communication channels associated with said exchange and allocated to said ISP as recited by amended claims 1 and 9.

Examiner traverses the argument:

19. As to point(1), Szviatovski teaches:

Page 7, lines 27-31, "The gateway switching control program receives from the ATM-network the internet-address and converts it into a decimal coded ISDN-address. It transmits the converted address to the intelligent network to be recorded in the user database SDP."

Page 9, lines 19-21, "The call is routed is routed to a gateway obtained from the subscriber data, which gateway performs the IP-number conversion and thereafter routes the call to the correct work station."

The above two quoted sections from the Szviatovski reference clearly shows that the gateway is responsible for the communication between the exchange and the data network, where data is transferred between the exchange and the data network. Szviatovski also teaches that the data network may be the Internet as described in page 5, lines 17-18.

Even though Szviatovski does not specifically teach of “maintaining a record” and “identifying circuit switched communication channels... and allocated to said ISP”, the gateway must be storing routing information and an allocation of channel must occur to allow connection between the exchange and the data network, and the transfer of data between the exchange and the data network, as being done by Szviatovski. Furthermore, Szviatovski does not specifically mention of an ISP but does mention the use of the Internet. For the Internet to be used, it is inherent that any ISP is present in order to provide the use of the Internet.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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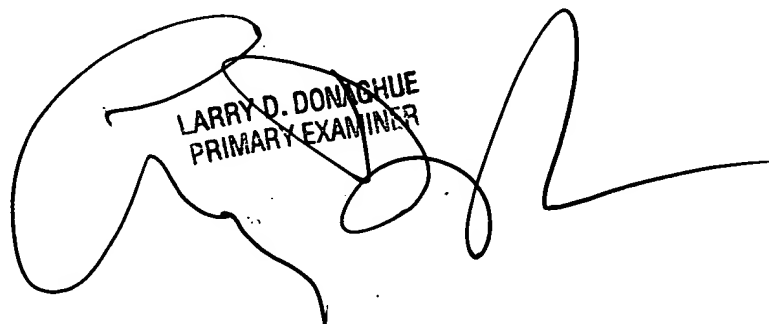
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 15, 2005
JJ


LARRY D. DONOGHUE
PRIMARY EXAMINER